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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/866,015	05/24/2001	Paul K. Mui	10004020-1	5201

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EXAMINER

SAFAIPOUR, HOUSHANG

ART UNIT PAPER NUMBER

2622

DATE MAILED: 12/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/866,015	<b>Applicant(s)</b> MUI ET AL.	
	<b>Examiner</b> Houshang Safaipoor	<b>Art Unit</b> 2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 12-18 is/are rejected.
- 7) ☒ Claim(s) 10 and 11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. ____   |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>12/23/04</u> .  | 6) <input type="checkbox"/> Other: ____                                     |

## DETAILED ACTION

### *Claim Objections*

Claim 1 is objected to because of the following informalities: line 1: (the scanner) should be changed to "a scanner" and in line 2 (a scanner) should be changed to "the scanner".

Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-9 and 12-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Tanabe (U.S. Patent No. 5,101,284).

Regarding claim 1, Tanabe discloses an apparatus for calibrating the scanner head assembly in an image-capturing device of the type which includes a scanner head assembly and a document feeder for scanning an image, the apparatus comprising a calibration member disposed within the document feeder, the calibration member being movable to a position within an optical path of the scanner head assembly when the scanner head assembly is ready for scanning (fig. 2, col. 5, lines 3-21 and col. 6, line 30 through col. 7, line 52).

Regarding claim 2, Tanabe discloses the apparatus as defined in claim 1 further comprising: a rotatable wheel assembly for holding the calibration member and positioning the calibration member within the optical path, the wheel assembly being disposed within the document feeder (fig. 2, roller 7).

Regarding claim 3, Tanabe discloses the apparatus as defined in claim 2 wherein the calibration member comprises a calibration strip attached to the outer circumference of the wheel assembly (fig. 2, roller 7, plate 18) .

Regarding claim 4, Tanabe discloses the apparatus as defined in claim 2 wherein the wheel assembly rotates the calibration member between at least an exposed position and a non-exposed position, the exposed position being within the optical path of the scanner head assembly when the scanner head assembly is in the scan position (col. 6, line 30 through col. 7, line 52).

Regarding claim 5, Tanabe discloses the apparatus as defined in claim 4 wherein the wheel assembly rotates the calibration member to the non-exposed position when the scanner head assembly is capturing an image (col. 6, line 30 through col. 7, line 52).

Regarding claim 6, Tanabe discloses the apparatus as defined in claim 4 further comprising: a cam disposed within the document feeder and abutting the wheel assembly for rotating the wheel assembly into either the exposed or non-exposed position (col. 6, line 30 through col. 7, line 52).

Regarding claim 7, Tanabe discloses the apparatus as defined in claim 6 wherein the cam is configured to alternately shift the calibration member between exposed and non-exposed positions (col. 6, line 30 through col. 7, line 52).

Regarding claim 8, Tanabe discloses the apparatus as defined in claim 6 wherein the cam is configured to rotate the wheel assembly in clockwise and counterclockwise directions,

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whereby the calibration member is alternately moved between exposed and non-exposed positions (col. 6, line 30 through col. 7, line 52).

Regarding claim 9, Tanabe discloses the apparatus as defined in claim 7 further comprising: a biasing member connected to the wheel assembly, the biasing member being configured to urge the wheel assembly towards the cam so as to retain the calibration member in either the exposed or non-exposed position (col. 6, line 30 through col. 7, line 52).

Regarding claim 12, Tanabe discloses the apparatus as defined in claim 7 wherein the cam is coupled to a motor of the document feeder for rotating the cam (col. 6, line 30 through col. 7, line 52).

Regarding claim 13, Tanabe discloses the apparatus as defined in claim 3 wherein the calibration strip wheel is disposed within a cylindrical guide of the document feeder (fig. 2).

Regarding claim 14, Tanabe discloses apparatus for calibrating a scanner in an image-capturing device, the apparatus comprising: a feeding mechanism for moving a document through a document feeder; a guiding mechanism for guiding the document into an optical path of a scanner head assembly to capture an image on the document; and, a calibration member adapted to be movably positioned in the optical path of the scanner head assembly when the scanner head assembly is in a scan position, so that the scanner can be calibrated without the scanner head assembly moving from the scan position (fig. 2, col. 6, line 30 through col. 7, line 52).

Regarding claims 15 and 17, arguments analogous to those presented for claims 4 and 1 are applicable to claims 15 and 17 respectively.

Regarding claim 16, arguments analogous to those presented for claim 8 are applicable to claim 16.

Regarding claim 18, tanabe discloses apparatus for calibrating an image-capturing device of the type which includes a document feeder having a pickup mechanism coupled to a motor for feeding paper in a designated paper path substantially surrounding a cylindrical guide, the feeder being connected to an image-capturing device having a head assembly which in a first designated location scans the paper as the paper travels in the paper path, the apparatus comprising: a wheel assembly disposed within the cylindrical guide and rotatingly connected to a fixed central axis for reciprocating motion between first and second positions, the wheel having a curved outer surface; a calibration strip attached to the outer surface of the wheel such that when the wheel is in the first position the calibration strip is in an optical path of the scanner head in the first designated location, the calibration strip being adapted to calibrate an image-capturing device when scanned by the device; a cam in abutting engagement with the wheel for urging the wheel to rotate into the first or second position; a cam pivot connected to the cam and rotatingly coupled to the motor for rotating the cam; and, a biasing member connected to the cam and to a fixed stop within the cylindrical guide, the biasing member being configured to urge the wheel to rotate into abutment with the cam so as to retain the wheel in either the first or second position (fig. 2, col. 6, line 30 through col. 7, line 52).

***Allowable Subject Matter***

Claims 10 and 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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***Contact Information***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Houshang Safaipoor whose telephone number is (703)306-4037.

The examiner can normally be reached on Mon.-Thurs. from 6:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L Coles, Sr. can be reached on (703)305-4712. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Houshang Safaipoor  
Patent Examiner  
Art Unit 2622  
December 24, 2004

  
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